

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

MARY PRITTS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 15-0090-CV-W-ODS-SSA
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

ORDER AND OPINION GRANTING DEFENDANT'S MOTION FOR REMAND

Pending is Defendant Carolyn W. Colvin's ("Defendant") Motion for Remand. Doc. #6. The deadline for Plaintiff Mary Pritts ("Plaintiff") to respond was May 21, 2015. As of today's date, Plaintiff has not filed a response. Thus, the motion is ripe for review.

The Social Security Act requires the Commissioner of Social Security as part of its answer to file "a certified copy of the transcript of the record including the evidence upon which the findings and decision complained of are based." 42 U.S.C. § 405(g), sentence three. Further, this Court "may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner answer, remand the case to the Commissioner of Social Security." *Id.* at sentence six. Good cause to remand includes a situation when, "the tape recording of the claimant's oral hearing is lost or inaudible, or cannot otherwise be transcribed..." *Acevedo v. Barnart*, 474 F. Supp.2d 1001, 1004 (E.D. Wis. 2007)(quoting H.R. Rep. No. 96-944, 96th Cong., 2d Sess. 59 (1980)).

Here, Defendant asserts "a significant portion of the recording of the administrative hearing held before an administrative law judge (ALJ) on July 11, 2013, was inaudible. Therefore, a transcript of this hearing could not be prepared for inclusion in the administrative record." Doc. #6, page 2. The Court finds good cause exists to remand the case pursuant to sentence six of 42 U.S.C. §405(g). Accordingly, Defendant's Motion is granted.

IT IS SO ORDERED.

DATE: May 27, 2015

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT